

REMARKS

Discussion of Amendments

Following entry of the amendment above, claims 1-12, 18-20, 25-28, 31, 40, and 76-84 will be pending. Claims 1, 2, 4, 6-10, 12, 18-20, 25-28, 31, and 40 have been amended, and claims 13-17, 21-24, 29, 30, and 32-39 have been cancelled (claims 41-75 were canceled previously). Claims 76-84 are new, although the subject matter of these new claims largely corresponds to that of claim 28 prior to entry of the amendment above and canceled claims 29, 30, and 41-49.

The above amendments merely advance prosecution of certain commercially significant embodiments of Applicants' invention, and they have not been made for purposes of patentability. Instead, the amendments simply clarify the subject matter Applicants' presently wish to pursue in this application. In any event, these amendments do not add new matter, and they are fully supported by the specification and claims as originally filed. That said, Applicants reserve the right to later prosecute in this or a related application claims equivalent to or broader than those pending prior to the entry of the above amendment.

Response to Restriction Requirement

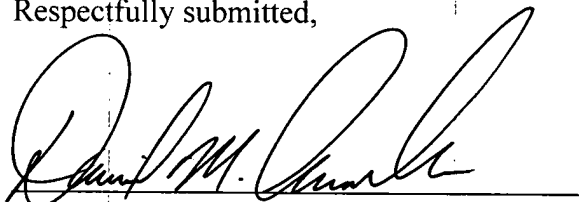
As an initial matter, Applicants wish to note that, following entry of the above amendment, compositions specifically directed to transfection agents made of peptides comprising amino acid sequences referenced in SEQ ID NOS:13-18 are no longer claimed, although such transfection agents remain within the scope of the generic claims still pending herein. In this application Applicants respectfully submit that they are entitled to claim their pioneering generic invention, certain preferred embodiments of which are the subject of the pending claims, as amended. Applicants also note that claim 12, which concerns certain sub-genera in which the peptides comprise an amino acid sequence of any of SEQ ID NOS:1-12, also still remains in the application. This being the case, but wishing to comply with the ambiguous restriction/election of species set forth in the Office Action, Applicants now elect for examination subject matter in which the peptides of the invention comprise the amino acid sequence of SEQ ID NO:7. Claims 1-12, 18-20, 25-28, 31, 40, and 76-84 read on this elected species. Once transfection agents comprising the elected peptides are determined to be

allowable, Applicants reserve the right to request that the non-elected subject matter also be considered in this application.

In view of the above election, Applicants respectfully request consideration of the claims as amended, which claims Applicants believe to be patentable. Accordingly, they earnestly solicit a notice of allowability for each of the pending claims. Of course, if during the course of examination issues or questions arise with regard to any one or more of the claims, the Examiner is encouraged to telephone the undersigned at 858.350.9690 so that the same may be promptly resolved without the need for an additional official action and response thereto.

Dated: 10 DEC 2003

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel M. Chambers", written over a horizontal line.

By:
Daniel M. Chambers
BioTechnology Law Group
Attorney for Applicants
Reg. No. 34,561